



Iowa Department of Public Health
Promoting and Protecting the Health of Iowans

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Director

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Lt. Governor

March 12, 2012

Kirby D. Schmidt, County Attorney
Grundy County Attorney's Office
630 G Avenue, Box 365
Grundy Center, IA 50638

Re: Dr. Frank Lamp

Dear Mr. Schmidt:

This letter shall serve as a formal referral to your office from the Iowa Department of Public Health (Department) for the consideration of criminal charges against Dr. Frank Lamp, Grundy Center, Iowa. Specifically the Department alleges that Dr. Frank Lamp has in the past and continues to operate a substance abuse treatment (opioid treatment) program without a license in violation of Iowa Code chapter 125.

Relevant Law

Iowa Code Chapter 125 provides in relevant part as follows:

Iowa Code § 125.13(1)(a)

Except as provided for in subsection 2, a person shall not maintain or conduct any chemical substitutes or antagonists program, residential program, or nonresidential outpatient program, the primary purpose of which is the treatment and rehabilitation of substance abusers or chronic substance abusers without having first obtained a written license for the program from the department.

Iowa Code § 125.21(1)

The board has exclusive power in this state to approve and license chemical substitutes and antagonists programs, and to monitor chemical substitutes and antagonists programs to ensure that the programs are operating within the rules adopted pursuant to this chapter. The board shall grant approval and license if the requirements of the rules are met and state funding is not requested. The chemical substitutes and antagonists programs conducted by persons exempt from the licensing requirements of this chapter pursuant to section 125.13 subsection 2 are subject to approval and licensure under this section.

Iowa Code § 125.58(2)

A person establishing, conducting, managing or operating a substance abuse treatment and rehabilitation facility without a license is guilty of a serious misdemeanor. Each day of continued violation after conviction or notice from the department by certified mail of a violation shall be considered a separate offense or chargeable offense. A person establishing, conducting, managing or operating a substance abuse treatment and rehabilitation facility without a license may be temporarily or permanently restrained there from by a court of competent jurisdiction in an action brought by the state.

Summary of Investigative Findings

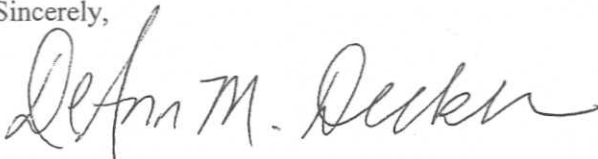
On July 26, 2010, the Department was notified by Cedar Valley Recovery Services that patients enrolled in their opioid treatment program had been dropping out of the program and were being prescribed methadone for the treatment of narcotic addiction by Dr. Frank Lamp. On October 4, 2010, the medical director of Cedar Valley Recovery Services, Dr. Pattee, filed a formal complaint regarding Dr. Lamp's practice. On October 6, 2010, a site visit was conducted in accordance with provisions of Chapter 125. Patient records were reviewed and copied in accordance with Chapter 125 and 42 Code of Federal Regulations. Following an investigation it was determined that Dr. Lamp was indeed prescribing methadone to opioid-addicted patients known to have been previously enrolled in a licensed treatment facility without a license to do so.

On June 16, 2011, a Notification to Cease and Desist was issued on behalf of the Department (copy attached). Dr. Frank Lamp contacted Heather Adams, Assistant Attorney General, and informed her he would stop operating the program and prescribing methadone to known narcotic treatment patients. Following this Notification, however, the Department continued to receive information from Cedar Valley Recovery Services that they believed Dr. Lamp was continuing to prescribe to some of the patients identified in the original investigation. In January 2012 a review of Dr. Lamp's prescribing practices was conducted utilizing the Prescription Monitoring Program. It was determined that on nine occasions following Dr. Lamp's receipt of the Notification to Cease and Desist, specifically from July 2011 to January 2012, Dr. Lamp did prescribe methadone to three patients identified in the original investigation.

The Department believes based on its investigation that Dr. Frank Lamp has in the past and continues to operate an opioid treatment program without a license in violation of Chapter 125 and the Notification to Cease and Desist. The Department is referring this matter to your office for your review pursuant to Iowa Code section 125.58(2).

Thank you for your consideration. Should you have any questions you may contact myself or the investigator, Jeff Gronstal at Jeffrey.gronstal@idph.iowa.gov or (515) 242-6162.

Sincerely,



DeAnn Decker
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cc: Iowa Board of Medicine
Heather Adams, Assistant Attorney General